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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,036	01/31/2002	Kaihu Chen	063170.7005	3956
5073	7590	04/02/2008	EXAMINER	
BAKER BOTTS L.L.P.			PILLAI, NAMITHA	
2001 ROSS AVENUE				
SUITE 600				
DALLAS, TX 75201-2980				
			ART UNIT	PAPER NUMBER
			2173	
			NOTIFICATION DATE	DELIVERY MODE
			04/02/2008	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KAIHU CHEN, GEORGE HONG ZHI HSU,
SURYA RAO V. NANDURI, MANOJ THOPCHERNENI,
MOHAMED FAISAL FAQUIH, DAVID DWYER,
and MYO MIN LATT

Appeal 2007-3569
Application 10/066,036¹
Technology Center 2100

Decided: March 31, 2008

Before LANCE LEONARD BARRY, JEAN R. HOMERE, and
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

¹ Filed on Jan. 31, 2002. The real party in interest is Computer Associates Think, Inc.

I. STATEMENT OF CASE

Appellants appeal under 35 U.S.C. § 134 from a final rejection of claims 1 through 16. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

According to Appellants, as depicted in Figure 4, the invention relates to the following:

The memory **415** includes dynamic web page generation logic **420** for dynamically generating and presenting a requested web page. The dynamic web page generation logic **420** employs a URL receiving module **425** to receive a URL representing a requested web page. The generation logic **420** also employs a user identification receiving module **430** and an element identification and evaluation module **435** to respectively identify a user and identify elements referenced by the requested web page that the user is authorized to access.

A data conversion module **440** is used by the dynamic web page generation logic **420** to convert data referenced by the requested web page from various protocols to a standard protocol. The generation logic **420** provides the data in a standard format to a web page presentation module **445**. In one embodiment, web page presentation module **445** is a standard Internet web browser.

(Spec. 15, ll. 9-19.)

Independent claim 1 is illustrative of the invention. It reads as follows:

1. A method for dynamically constructing a web page, comprising:

receiving a uniform resource locator identifying a web page, the web page referencing a plurality of elements;

receiving a user identifier representing a user;

evaluating each of the plurality of elements based on the user identifier to identify a subset of at least one element the user is authorized to access;

determining a data conversion specification associated with the user;

determining a data representation specification associated with the user; and

converting and presenting each of the subset of elements.

The Examiner relied on the following prior art in rejecting the claims on appeal:

Van Wyngarden	US 6,038,597	Mar. 14, 2000
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The Examiner rejected the claims on appeal as follows:

Claims 1-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Van Wyndegarden.

FINDINGS OF FACT

The following findings of fact (FF) are supported by a preponderance of the evidence.

Van Wyngarden

1. Van Wyngarden discloses a method and system for providing a user with general or managed access to a website depending on the user's predetermined level of access. (Abstract.)

2. As depicted in Figure 7, upon receiving a URL from the user referencing a website, the user may be allowed to access the general area of the website if the user possesses a general ID and password. Further, the user may be allowed to access more restricted areas of the website if the user possesses a more secure password and ID. (Col. 5, ll. 15-42.)

3. Van Wyngarden discloses that authorization mechanisms in conventional systems are known to generate an authorization ticket including a user ID, password, and operation call, which are encrypted using an encryption key derived from a password obtained from a server. Upon receiving the authorization ticket, the server decrypts it using the server password. It then authenticates the client, and subsequently executes the operation call. (Col. 1, l. 49- col. 2, l. 3.)

PRINCIPLES OF LAW

ANTICIPATION

It is axiomatic that anticipation of a claim under § 102 can be found only if the prior art reference discloses every element of the claim. *See In re King*, 801 F.2d 1324, 1326 (Fed. Cir. 1986) and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

In rejecting claims under 35 U.S.C. § 102, a single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation. *Perricone v. Medicis Pharmaceutical Corp.*, 432 F.3d 1368, 1375-76 (Fed. Cir. 2005), citing *Minn. Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 1565 (Fed. Cir. 1992). Anticipation of a patent claim requires a finding that the claim at issue “reads on” a prior art reference. *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) (“In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art.”) (internal citations omitted).

ANALYSIS

Independent claim 1 recites in relevant part (1) determining a data conversion specification associated with a user; (2) determining a data representation specification associated with the user; (3) converting and presenting each of the subset elements referenced in a webpage. (Appendix A.) Appellants argue that Van Wyngarden does not teach these limitations. (App. Br. 11-15, Reply Br. 1-6.)

In response, the Examiner avers that Van Wyngarden’s disclosure of encrypting user information with an encryption key teaches a data conversion specification associated with the user. (Ans. 5-7.) Similarly, the Examiner submits that the disclosure of tag names and fields in an

authorization ticket or user's access to data in the general area or the managed areas of the website teaches the data representation specification associated with the user. (Ans. 7-8.) Finally, the Examiner submits that the disclosure of decrypting encrypted data for user's viewing teaches converting and presenting each element of the webpage. (Ans. 8-9.)

Therefore, the issue before us is whether Van Wyngarden's disclosure teaches determining a data conversion and a data representation specification associated with a user to present to the user elements referenced in a webpage. We answer this inquiry in the negative.

As set forth in the findings of fact section, Van Wyngarden teaches providing a user with access to general or managed areas of a website depending on the user's password and ID. (FF 1-2.) Van Wyngarden also indicates that it is known in the art to use an encryption key to encrypt the user's password and ID before submitting a request to access a server. (FF 3.) One of ordinary skill in the art would not find that these disjointed disclosures teach determining a data conversion specification associated with a user. We agree with Appellants that while the disclosed encryption of the user data may teach a conversion of the user data from a non-encrypted form to an encrypted form, it falls short of teaching that the conversion performed by the encryption key is somehow associated with the user. In fact, Wyngarden specifically indicates that the encryption key is obtained from the server, not the client (user) (col. 1, ll. 60-61). In construing the claimed "data conversion specification associated with the user" as merely converting *data* associated with the user, the Examiner has not given any patentable weight to the claim term "specification." (Claim 1.) Such a

failure to fully consider all of the claimed limitations is, in our view, improper. Similarly, the Examiner has misconstrued the limitation of a data representation specification associated with the user. The ordinarily skilled artisan would readily recognize that the cited disclosures, although they may teach converting or displaying data associated with a user, are totally silent on specifying a conversion or a representation associated with the user. It follows that Appellants have shown that the Examiner erred in finding that Van Wyngarden anticipates independent claim 1.

Since claims 2 through 16 recite the limitations of representative claim 1 discussed in the preceding paragraph, it follows that Appellants have shown as well that the Examiner erred in finding that Van Wyngarden anticipates the cited claims.

DECISION

We reverse the Examiner's decision rejecting claims 1 through 16.

REVERSED

clj

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